

09-03-04

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*EFW*

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/800,451	03/15/2004	Steven A. Daniel	RSCT.P002

Shemwell Gregory & Courtney LLP  
Suite 201  
4880 Stevens Creek Boulevard  
San Jose, CA 95129

CONFIRMATION NO. 1227

FORMALITIES LETTER



\*OC000000012821308\*

Date Mailed: 06/01/2004

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

09/07/2004 MMEKONEN 00000098 10800451

FILED UNDER 37 CFR 1.53(b)

02 FE:2051

65.00 0P

*Filing Date Granted*

**Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

John Ware

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



## EXPRESS MAIL CERTIFICATE OF MAILING

Express Mail" mailing label number: EV 503 780 030 US

Date of Deposit: September 1, 2004

I hereby certify that I am causing the paper(s) and/or fee(s) indicated below to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and that the paper(s) and/or fee(s) have been addressed to the Mail Stop Missing Parts, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Richard L. Gregory, Jr.  
(Typed or printed name of person mailing paper(s) or fee(s))

R. Gregory  
(Signature of person mailing paper or fee)

9-01-2004  
(Date signed)

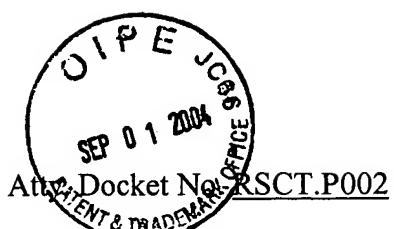
Serial/Patent No.: 10/800,451 Filing/Issue Date: March 15, 2004

Title: Thermal Coagulation of Tissue During Tissue Resection

Atty. Docket No.: RSCT.P002 Date Mailed: September 1, 2004

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

<input type="checkbox"/> Amendment/Response ( pg.)	<input checked="" type="checkbox"/> Petition for Extension of Time (One (1) month(s))
<input type="checkbox"/> Preliminary Amendment ( pg.)	<input type="checkbox"/> Information Disclosure Statement & PTO/SB/08A
<input type="checkbox"/> Application - Utility ( pg.)	<input type="checkbox"/> Issue Fee Transmittal
<input type="checkbox"/> Application - Rule 1.53(b) Contin. ( pg.)	<input type="checkbox"/> Submission of Formal Drawings
<input type="checkbox"/> Application - Rule 1.53(b) Divis. ( pg.)	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Application - Rule 1.53(b) CIP ( pg.)	<input type="checkbox"/> Appeal Brief ( pg. in triplicate)
<input type="checkbox"/> Application - Rule 1.53(d) CPA ( pg.)	<input type="checkbox"/> Reply Brief
<input type="checkbox"/> Application - PCT ( pg.)	<input checked="" type="checkbox"/> Response to Notice of Missing Parts
<input type="checkbox"/> Application - Provisional ( pg.)	<input type="checkbox"/> Utility Patent Application Transmittal
<input type="checkbox"/> Drawings ( sheets)	<input checked="" type="checkbox"/> Fee Transmittal (in duplicate)
<input checked="" type="checkbox"/> Declaration (2 pg.)	<input checked="" type="checkbox"/> Itemized Postcard
<input checked="" type="checkbox"/> Assignment & Cover Sheet (3 pg.)	<input checked="" type="checkbox"/> Express Mail Certificate Of Mailing
<input checked="" type="checkbox"/> Power of Attorney (2 pg.)	<input checked="" type="checkbox"/> Express Mail No. <u>EV 503 780 030 US</u>
<input type="checkbox"/> Nonpublication Request (35 USC 122(b))	<input checked="" type="checkbox"/> Check No. <u>3699</u> Amt <u>\$160.00</u>
<input checked="" type="checkbox"/> Other <u>Notice To File Missing Parts of Nonprovisional Application.</u>	



Attn: Docket No. RSCT.P002

PATENT

**IN THE UNITED STATES PATENT OFFICE**

In Re Patent Application of: )  
Steven A. Daniel, et al. )      Examiner: Not Yet Assigned  
Application No. 10/800,451 )      Art Unit: 3739  
Filed: March 15, 2004 )  
For: THERMAL COAGULATION OF TISSUE )  
DURING TISSUE RESECTION )

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Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Sir:

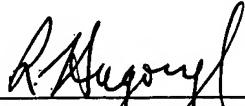
In response to a Notice to File Missing Parts mailed June 1, 2004 in connection with the above-referenced application, applicant encloses the following:

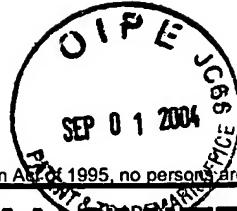
- (1) one (1) Declaration pursuant to 37 CFR 1.63;
- (2) Power of Attorney by Assignee and Certification Under 37 CFR 3.73(b);
- (3) Assignment and Recordation Form Cover Sheet;
- (4) Petition for Extension of Time (one month) under 37 CFR 1.136(a);
- (5) a check in the amount of \$160.00 including:
  - (a) Oath or Declaration Surcharge of \$65.00 under 37 CFR 1.16(e);
  - (b) Assignment recordation fee of \$40.00; and
  - (c) Fee for Petition for Extension of Time of \$55.00;
- (6) a copy of the Notice to File Missing Parts.

Please charge Deposit Account No. 501914 for any fee deficiency that may be due. A duplicate of this Response is enclosed for Deposit Account charging purposes.

Respectfully Submitted,

Date 9-01-2004

  
\_\_\_\_\_  
Richard L. Gregory, Jr.  
Reg. No. 42,607



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL

## for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ 160.00)
**Complete if Known**

Application Number	10/800,451
Filing Date	March 15, 2004
First Named Inventor	Steven A. Daniel
Examiner Name	
Art Unit	3739
Attorney Docket No.	RSCT.P002

**METHOD OF PAYMENT (check all that apply)**
 Check  Credit card  Money Order  Other  None

 Deposit Account:

Deposit Account Number: **501914**

Deposit Account Name:

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments

Charge any additional fee(s) or any underpayment of fee(s)

Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
<b>SUBTOTAL (1) (\$)</b>			

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			-20** =	X	=
			- 3** =	X	=

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2) (\$)</b>		

\*\*or number previously paid, if greater; For Reissues, see above

**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	65.00
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	40.00
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$)** 160.00

(Complete if applicable)

SUBMITTED BY			
Name (Print/Type)	Richard L. Gregory, Jr.	Registration No. (Attorney/Agent)	42,607
Signature	<i>R. Gregory</i>	Telephone	408-236-6646

Date September 1, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.